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September 11, 2023

MEMORANDUM ENDORSED

VIA ECF

Honorable Gabriel W. Gorenstein
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *David Fox v. Commissioner of Social Security*
Civil Action No. 1:23-cv-05042-GWG

Dear Judge Gorenstein,

We write on behalf of plaintiff, David Fox, and with the consent of the defendant, to request an extension of time to serve plaintiff's motion for judgment on the pleadings per the Court's August 16, 2023 Scheduling Order. Plaintiff's motion is due on September 14, 2023. This is the parties' first request for an extension. The reason for this request is that Plaintiff's counsel currently has ten Social Security briefs, oral argument, and a religious holiday within the next ten days.

After conferring with the defendant, the parties have agreed to proceed according to the following amended scheduling order, subject to the Court's approval:

- a. Plaintiff to file his motion for judgment on the pleadings on or before **January 12, 2024**;
- b. Defendant to file its response/cross-motion on or before **March 12, 2024**;
and
- c. Plaintiff to file his reply (if any) on or before **March 26, 2024**.

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Thank you for your consideration of this request.

Respectfully submitted,

s/Daniel A. Osborn
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cc: Jonathan King, Esq. (by ECF)

The request for a four-month adjournment is unusually long but is acceptable to the Court as long as no further adjournments are sought. With this caveat in mind, the proposed schedule is approved.

So Ordered.



GABRIEL W. GORENSTEIN
United States Magistrate Judge

September 11, 2023